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November 30, 2021

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Honorable Paul G. Gardephe
United States District Court Judge
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

Re: *Everytown for Gun Safety Action Fund, Inc. v. Defcad, Inc. et al.*, 21-cv-08704

Dear Judge Gardephe:

We represent Plaintiff Everytown for Gun Safety Action Fund, Inc. and submit this letter jointly with the Defendants' counsel after conferring on the remaining dates for Plaintiff's Application for an Order to Show Cause. A hearing is currently scheduled in this matter on December 2, 2021. [ECF 30]. Per the Court's request, the parties submit the following proposed briefing schedules and adjourned hearing date.

Plaintiff's Position:

Plaintiff is prepared to proceed on Dec. 2, 2021. Defendants have had since Nov. 5, 2021 to prepare their opposition papers. Considering Defendants' objections to the Dec. 2 date and request to submit opposition papers, Plaintiff proposes adjourning the hearing date to Dec. 9, 2021. Plaintiff requests that Defendants' opposition papers would be due Dec. 3, 2021 and Plaintiff's reply would be submitted on or before Dec. 7, 2021.

Defendants' Position:

Defendants object to the hearing proceeding on December 2. The Second Circuit's administrative stay stayed all dates under the November 5, 2021 order to show cause, including briefing dates as confirmed by the Second Circuit. Defendants twice confirmed this understanding in writing to this Court and twice requested a new briefing and hearing schedule. Neither Plaintiff nor the Court contradicted Defendants' understanding that new briefing and hearing dates would be required until today, two days before the original hearing date. Defendants reasonably relied on the foregoing. Given the silence of both the Plaintiff and the Court in the face of Defendants two letters regarding the need for new scheduling, Defendants would be highly prejudiced if the hearing proceeds on Dec 2, as Defendant would be improperly deprived of their right to file papers in opposition. Plaintiff's proposed new schedule above would also be prejudicial for similar reasons, as it does not afford a sufficient or reasonable amount of time for briefing.



November 30, 2021

Page 2

Accordingly, Defendants request that the hearing date be set for Dec. 16, 2021. Defendants request that their opposition papers would be due Dec. 8, 2021 and Plaintiff's reply would be submitted on or before Dec. 13, 2021. Plaintiff provides no good reason this schedule cannot be accommodated.

Respectfully Submitted,

/s/Marcella Ballard

Marcella Ballard

cc: counsel of record via ECF